



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

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Second Annual Access to Care Report
(required by § 333.16221 (f))

Act 402 of 2002 requires three annual reports, beginning June 3, 2003, regarding the requirements listed under § 333.16221(f) of the Michigan Public Health Code. These reports are to focus on the effect the amendatory act has on access to care for uninsured and Medicaid patients. The Department of Community Health is required to specifically address “the number of referrals by licensees of uninsured and Medicaid patients to purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.”

During the period from June 1, 2003 through June 30, 2004, seventeen cases were identified as possibly meeting the requirements as stated in 333.16221(f).

Of the seventeen cases, four complaints were categorized as “ownership in lab/financial interest” and included allegations against the following professions:

- * Chiropractic (1)
- * Allopathic Medicine – M.D. (2)
- * Osteopathic Medicine – D.O. (1)

It should be noted that all four cases also include a second charge of “unethical business practices”.

As of June 30, 2004, three of the cases were under investigation by the Bureau of Health Professions, Investigation Division and one case had been forwarded to the Health Professions Division of the Department of Attorney General.

The remaining thirteen cases were categorized as “promoting unnecessary services” and included complaints against the following professions:

- * Dentistry (8)
- * Allopathic Medicine – M.D. (4)
- * Osteopathic Medicine – D.O. (1)

Of the thirteen cases, eleven had an associated charge of “negligence-incompetence,” one had an associated charge of “unethical business practices”, and one had no additional charges.

As of June 30, 2004, six of the cases had been investigated and closed with no violation found. Of the seven open cases, four were assigned to the Investigation Division for investigation and three were in the process of being prepared for board review, in the subpoena process, or pending review for the next step in the complaint process.

The third and final annual report will cover the period from July 1, 2004 through June 30, 2005 and will be published shortly thereafter.

Dated: December 29, 2004